

Registered charity number 276

**Explanatory note regarding changes to the Constitution in relation to membership**

Various amendments to the Constitution of the Association were approved at the last Annual General Meeting, including an amendment to the provisions regarding eligibility for membership. As currently drafted, the Constitution requires us to exclude from membership any entity which, at the end of the transitional arrangements under the Charities (Jersey) Law 2014, is not registered under that law.

What we had not appreciated at the time the changes were approved is that certain existing members of the Association are not required to register under the law as they are Excepted Foreign Charities (“EFCs”), meaning that they are registered in the United Kingdom and may undertake activities in Jersey without registering. They are however obliged to notify the Jersey Charity Commissioner of their presence and it is open to them to register voluntarily if they fulfil certain conditions.

It was never our intention to exclude EFCs from membership when we updated the Constitution. Accordingly, we now propose a change to the definition of “Registered Charity” in clause 4.9 of the Constitution by the addition of the words in italics as follows:

“Registered Charity” means a charity *which is either (i)* registered under the Charities Law; *or* *(ii)* *registered as a charity in England & Wales or Scotland or Northern Ireland and operates in Jersey.*

and the amendment to clause 5.5 by the addition of the words in italics as follows:

The Committee shall verify the status of a prospective member as a Registered Charity against the public register of charities held by the Jersey Charity Commissioner *or the public register of charities in England & Wales or Scotland or Northern Ireland as appropriate.*

These amendments have been consented to by the Charity Commissioner.